

REMARKS

This Amendment and Response amends claims 1 and 31. With this Amendment and Response, claims 1-58 are pending in this application.

I. 35 U.S.C. § 102 Rejections

The Action rejects claims 1-6, 9, 12-13, 15-16, 24-25, 31-36, 41-42, 45-46 and 53-54 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,569,067 to Meyn ("Meyn '067"). Applicants respectfully traverse this rejection and ask that it be withdrawn.

Claim 1 has been amended to clarify that the supply means are capable of selecting a slaughtered animal from the group of slaughtered animals in the first station, or selecting a part of a slaughtered animal from a group of parts in the first station, and supplying this selected animal or part to the transfer conveyor. Meyn '067 fails to teach or suggest at least this structure recited in amended claim 1.

Meyn '067 teaches an apparatus "for separating into parts an entrails package removed from a slaughtered bird, said package generally comprising gizzard, proventriculus, heart, lungs, liver, gallbladder, and intestines. Meyn '067, col. 3, line 65 to col. 4, line 1. Meyn '067 discloses feeding entrail packages via slot 3 into slot 5 and moving the packages along slot 5 past processing stations that remove parts of the entrails. The entrail parts are removed until only the liver 22 and the gallbladder with intestines 15 remain in slot 5, after which these parts "may be discharged individually in any appropriate way." Meyn '067, col. 6, lines 24-27.

However, Meyn '067 fails to teach a first conveyor, a transfer conveyor, and a supply means capable of selecting slaughtered animals or parts thereof from the group of animals or parts that are present on the first conveyor and transferring only those selected animals or parts thereof from the first conveyor to the transfer conveyor, as recited in amended claim 1.

The Action provides that Meyn '067 discloses that only selected animals or parts thereof are transferred from the supply means to the transfer conveyor "where the only selected parts of the animal are the entrails. Other parts of the animal are not transferred and conveyed and therefore only the entrails are selected over other parts of the animal." Action, p. 12. This is not

the sort of selection process at work in the present invention, however. Claim 1 has been amended to clarify that the supply means are capable of selecting only certain slaughtered animals or parts thereof from the group of animals or parts that are present on the first conveyor. Thus, while Meyn may, in fact, transfer only "selected" parts of animals (i.e., the entrails), those parts are selected before being placed in the Meyn device. The Meyn device is not capable of selecting certain entrails from those present in slot 3 and supplying only those selected entrails to slot 5.

Meyn '067 provides no teaching or suggestion of a supply means capable selecting certain entrails from slot 3 and providing only those selected entrails from slot 3 to slot 5. For at least this reason, Meyn '067 fails to anticipate or render obvious claim 1, and claim 1 is therefore allowable. Moreover, claims 2-6, 9, 12, 13, 15, 16, 24, and 25 depend from allowable claim 1 and therefore are allowable for at least this reason and may be allowable for additional reasons.

Claim 31 has been amended to clarify that the discharge means are controlled by discharge control means which enable the discharge means to controllably discharge slaughtered animals or parts thereof from the transfer conveyor to the second station. Basis for this amendment can be found on page 7 of the application, at lines 7-21. Meyn '067 fails to teach or suggest at least this structure recited in claim 31. Thus, while Meyn may discharge only "selected" parts of animals (i.e., the entrails) from slot 5, Meyn is not capable of controlling the discharge of certain entrails from slot 5 and discharging only those entrails. The Action argues that Meyn does disclose means for discharging because separate parts of the entrails may be "discharged individually in any appropriate way." Action, p. 13, Meyn Col. 6, lines 26-27. In the Meyn device, supply screws 1,2 supply entrails to slot 5. As the entrails move through slot 5, knives 12, 13, 23 and plates 18, 19, 20 work collectively to divide the entrails into separate parts, such as liver 22 and gallbladder with intestines 15. These separate parts are then discharged "individually."

This is not the discharge process taking place in the present invention, however. In the present invention, the discharge control means, such as 52 in FIG. 1, allows the discharge means, such as 14 in FIG. 1 and 866 in FIG. 13a, to controllably discharge the slaughtered animals or

parts thereof from slot 12 (FIG. 1) and 812 (FIG. 13b). Thus, while in Meyn, all of the entrails contained in slot 5 are discharged, albeit as individual parts, in the present invention, only certain animals or parts may be controllably discharged. For at least this reason, Meyn '067 fails to anticipate or render obvious claim 31, and claim 31 is therefore allowable. Moreover, claims 32-36, 41-42, 45-46 and 53-54 depend from allowable claim 31 and are therefore allowable for at least this reason and may be allowable for additional reasons.

II. 35 U.S.C. § 103

A. Meyn '067 in view of Brakels et al.

The Action rejects claims 7-8, 18, 21-23, 37-38, 47 and 50-52 under 35 U.S.C. § 103 as being unpatentable over Meyn '067 in view of Brakels et al. Applicants respectfully traverse this rejection and ask that it be withdrawn. Claims 7-8, 18, and 21-23 are allowable at least because they all depend from allowable claim 1 and may be allowable for additional reasons. Claims 37-38, 47 and 50-52 are allowable at least because they all depend from allowable claim 31 and may be allowable for additional reasons.

B. Meyn '067 in view of Hobbel et al.

The Action rejects claims 10-13 and 39-42 under 35 U.S.C. § 103 as being unpatentable over Meyn '067 in view of Hobbel et al. Applicants respectfully traverse this rejection and ask that it be withdrawn. Claims 10-13 are allowable at least by virtue of their dependency from allowable claim 1 and may be allowable for additional reasons. Likewise, claims 39-42 are allowable at least because they depend from allowable claim 31 and may be allowable for additional reasons.

C. Meyn '067 in view of Hobbel et al. and further in view of Bos et al.

The Action rejects claims 14 and 43 under 35 U.S.C. § 103 as being unpatentable over Meyn '067 in view of Hobbel et al. and further in view of Bos et al. Applicants respectfully traverse this rejection and ask that it be withdrawn. At least because claim 14 depends from allowable claim 1, it too is allowable and may be allowable for additional reasons. Likewise, claim 43 is allowable at least by virtue of its dependency on allowable claim 31 and may be allowable for additional reasons.

D. Meyn '067 in view of Bos et al.

The Action rejects claims 17 and 46 under 35 U.S.C. § 103 as being unpatentable over Meyn '067 in view of Bos et al. Applicants respectfully traverse this rejection and ask that it be withdrawn. Claim 17 is allowable at least by virtue of its dependency from allowable claim 1 and may be allowable for additional reasons. Likewise, claims 46 is allowable at least because of its dependency on allowable claim 31 and may be allowable for additional reasons.

E. Meyn '067 in view of Brakels et al. and further in view of Meyn '472

The Action rejects claims 19-20 and 48-49 under 35 U.S.C. § 103 as being unpatentable over Meyn '067 in view of Brakels et al. and further in view of Meyn '472. Applicants respectfully traverse this rejection and ask that it be withdrawn. Claims 19 and 20 are allowable at least by virtue of their dependency from allowable claim 1 and may be allowable for additional reasons. Likewise, claims 48-49 are allowable at least because of their dependency on allowable claim 31 and may be allowable for additional reasons.

F. Meyn '067 in view of Meyn '472

The Action rejects claims 26-29 and 55-58 under 35 U.S.C. § 103 as being unpatentable over Meyn '067 in view of Meyn '472. Applicants respectfully traverse this rejection and ask that it be withdrawn. Claims 26-29 depend from allowable claim 1 and therefore are allowable for at least this reason and may be allowable for additional reasons. Likewise, claims 55-58 are allowable at least by virtue of their dependency from allowable claim 31 and may be allowable for additional reasons.

G. Meyn '067 in view of Meyn '472 and further in view of Hobbel et al.

The Action rejects claim 30 under 35 U.S.C. §103 as being unpatentable over Meyn '067 in view of Meyn '472 and further in view of Hobbel et al. Applicants respectfully traverse this rejection and ask that it be withdrawn. Claim 30 is allowable at least be virtue of its dependency from claim 1 and may be allowable for additional reasons.

AMENDMENT AND RESPONSE TO OFFICE ACTION
U.S. Serial No. 09/705,971
Filed: November 3, 2000

PETITION FOR ONE-MONTH TIME EXTENSION


To the extent necessary, under 37 C.F.R. § 1.136(a) (1998) assignee hereby petitions that the period for responding to the Examiner's Action mailed on January 3, 2003 be extended for one months, up to and including December 15, 2003. Enclosed is a check in the amount of \$110 to cover the appropriate fee for this extension under 37 C.F.R. § 1.17.

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CONCLUSION

Applicants respectfully submit that claims 1-58 are in condition for immediate allowance, and request early notification to that effect. If any issues remain to be resolved, the Examiner is respectfully requested to contact the undersigned at 404.532.6938 to arrange for a telephone interview prior to issuance of a final Office action.

Respectfully submitted,


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